

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

\* \* \*

THEODORE LEE,

Plaintiff,

Case No. 2:14-cv-00606-RCJ-PAL

V.

UNITED STATES OF AMERICA,

Defendant.

## ORDER

(Jt. Mot Ext – Dkt. #24)

12 The court set the parties' Joint Motion for Extension of Pretrial Deadlines (Second Joint  
13 Request) (Dkt. #24) for hearing on November 30, 2015. Counsel for Plaintiff did not appear.  
14 Staff was initially told that Attorney Mark Bailus was on his way and expected to arrive any  
15 moment for the hearing. Chambers was later contacted and told that Mr. Bailus was in state  
16 court. E. Carmen Ramirez appeared telephonically on behalf of the United States.

17 The parties requested a 120-day extension of the discovery plan and scheduling order  
18 deadlines for various reasons. First, this case involves potentially complex issues of  
19 administrative and international law, the Plaintiff and non-party witnesses live and work outside  
20 the country, and the parties have a number of discovery disputes. Counsel for Plaintiff had  
21 emergency open heart surgery and has been in recovery only returning to work on September  
22 2015. The parties have been working on attempting to resolve their discovery disputes without  
23 the court's intervention, and need an opportunity to engage in further good-faith negotiation.  
24 Both sides have agreed to review their discovery responses and provide supplemental responses  
25 if appropriate. Finally, counsel for Plaintiff has indicated he intends to submit an offer to settle  
26 this case. The process for the United States to review and decide whether or not to accept an  
27 offer is time consuming.

1       The joint motion initially advised the court that the parties intended to have a second  
2 meet-and-confer session on November 24, 2015. However, counsel for the United States  
3 indicated this did not occur. The deadline for designating expert witnesses expired November  
4 24, 2015, and neither side disclosed experts. The United States does not know when Mr. Ord  
5 intends to make an offer. The United States expects to receive responses to supplemental  
6 discovery it served sometime next week, and may supplement its own discovery responses by  
7 next week.

8       The court set this matter for hearing because it appeared unlikely the parties will be able  
9 to comply with their proposed May 19, 2016, extended discovery cutoff given their unresolved  
10 discovery disputes, and the amount of discovery that remains. Additionally, this motion was  
11 filed four days before the deadline to designate experts, not twenty-one days before the  
12 expiration of the deadline as required by LR 26-4. Finally, the parties did not comply with the  
13 requirements of LR 26-4 by specifying the discovery completed to date, providing a specific  
14 description of the discovery that remains to be completed, or a proposed schedule for completing  
15 all remaining discovery other than requesting a 120-day further extension.

16       The court will approve the parties' request for a 120-day extension of the existing  
17 discovery cutoff, but deny the request for an extension of the deadline to designate experts. The  
18 court will also impose a deadline for the parties to complete their meet-and-confer process to  
19 either resolve their discovery disputes without court intervention, or present them to the court for  
20 a decision in a reasonable period of time to ensure the May 19, 2016, extended discovery cutoff  
21 is a viable deadline.

22       **IT IS ORDERED** that:

23       1. The parties Joint Motion for Extension of Pretrial Deadlines (Second Joint Request)  
24 (Dkt. #24) is **GRANTED in part** and **DENIED in part**. The motion is **GRANTED**  
25 to the extent that the discovery cutoff is extended until **May 19, 2016**, the deadline  
26 for filing dispositive motion is extended until **June 10, 2016**, and the deadline for  
27 filing the joint pretrial order is extended until **July 12, 2016**.

- 1       2. In the event dispositive motions are filed, the date for filing the joint pretrial order
- 2       shall be suspended until 30 days after a decision of the dispositive motions.
- 3       3. The disclosures required by Fed. R. Civ. P. 26(a)(3), and any objections thereto, shall
- 4       be included in the pretrial order.
- 5       4. The parties' request for an extension of the deadline to designate experts and rebuttal
- 6       experts is **DENIED**.
- 7       5. The parties shall have until **December 18, 2015**, to complete the meet-and-confer
- 8       process to determine whether they have resolved their discovery disputes or have
- 9       reached an impasse.
- 10      6. The parties shall have until **January 8, 2016**, to file a joint status report identifying
- 11       any discovery disputes that the parties were unable to resolve without court
- 12       intervention. The parties shall be required to meet and confer sufficiently in advance
- 13       to prepare a **joint** status report which articulates any discovery disputes and the
- 14       parties' positions regarding those disputes with sufficient specificity to allow the
- 15       court to resolve them without the need for further formal briefing. If the parties have
- 16       been able to resolve their disputes without court intervention, the parties' joint status
- 17       report should so indicate and the hearing will be automatically vacated.
- 18      7. A status and dispute resolution hearing is set for **January 19, 2016, at 9:30 a.m.**

19       DATED this 3rd day of December, 2015.

20  
21        
22      PEGGY A. LEEN  
23      UNITED STATES MAGISTRATE JUDGE  
24  
25  
26  
27  
28